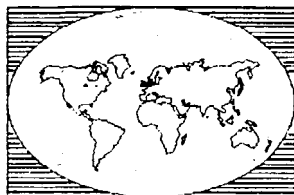


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## BUREAU OF WATER QUALITY

15M  
OFFICE OF  
WATER QUALITY

2007 MAY 29 P 1

MUNCIE SANITARY DISTRICT  
5150 W. KILGORE AVENUE  
MUNCIE, INDIANA 47304-4797  
TEL. (765) 747-4896  
FAX. (765) 213-6444  
bwq@munciesanitary.org

April 25, 2007

Mr. Rod Muzzarelli, Vice President  
Mid-City Plating Co., Inc.  
921 East Charles Street  
Muncie, Indiana 47305

### **SIGNIFICANT NON-COMPLIANCE STATUS (SNC) ADMINISTRATIVE FINE (AF) CEASE AND DESIST ORDER ENFORCEMENT COMPLIANCE SCHEDULE (ECS) LETTER OF VIOLATION (LOV)**

Re: Chronic Significant Non-Compliance Copper Violations Determination for  
Mid-City Plating Co., Inc. Wastewater Discharge Permit Daily Maximum  
and Monthly Average

Dear Mr. Muzzarelli:

The Bureau of Water Quality, MSD is issuing your company an Administrative Fine, Cease and Desist Order, Enforcement Compliance Schedule and a Letter of Violation.

This document serves as notification that Mid-City Plating Co., Inc. is in Significant Non-Compliance for the daily maximum and monthly average copper limits in your wastewater discharge permit. This action is being taken because you have exceeded both the copper daily maximum and monthly average allowable limits under your Industrial Wastewater Discharge Permit for the months of October 2006 and January and March 2007. This has resulted in you being classified in a Chronic Significant Non-Compliance status because of the above mentioned major violations for your wastewater discharges.

The Bureau is issuing your company, Mid-City Plating Co., Inc., a Cease and Desist Order and mandating that no wastewater discharges from your facility that are not

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in compliance with your wastewater discharge permit limits for copper for both the daily maximum and monthly average shall be allowed. Your wastewater discharge permit copper limits are based on the Federal 40 CFR 433 "Metal Finishing Categorical Standards".

Administrative fines of \$250.00 each shall be issued for the Chronic Daily Maximum and Monthly Average copper violations in your wastewater discharges to the Muncie Sanitary District sanitary sewers for a total of \$500.00. These violations caused there to be major violations resulting in Significant Non-Compliance (SNC). The administered fines are for exceeding your final discharge limits as detailed in the Bureau of Water Quality Enforcement Response Guide.

Major gross copper daily exceedances occurred with the samples obtained on October 27, 2006 (copper result was 5.86 mg/L), January 19, 2007 (copper result was 3.9 mg/L) and March 30, 2007 (copper result was 8.02 mg/L). Your copper monthly average for October 2006 equals 5.86 mg/L, for January 2007 equals 3.9 mg/L, and for March 2007 equals 4.25 mg/L respectively. It has also been determined that there was no evidence of any intent on your part to violate your permit.

Your Compliance Schedule is as follows:

- 1) At the beginning of each monitoring quarter you shall have your certified operator complete an inspection of Mid-City's wastewater treatment facility and certify in writing that it is operational as designed by the manufacturer. The certified operator and the highest corporate official shall sign this inspection. The inspection shall be submitted to the Bureau no later than the 28<sup>th</sup> day of the first month of each monitoring quarter. The Bureau is to receive notification of the planned date for the certified operator's inspection of wastewater treatment facility;
- 2) Any mechanical problems or breakdowns experienced within the wastewater treatment facility, permit exceedances for any parameter associated with your wastewater discharged permit to the Muncie Sanitary Sewer, or any new or additional wastewater treatment facility equipment installed or replaced shall mandate an immediate recertification in writing by your certified operator. This inspection shall be signed by the certified operator and the highest corporate official, and submitted to the Bureau no later than the 5<sup>th</sup> day of the month following the recertification period of the wastewater treatment facility;
- 3) Your facility shall begin monitoring for copper once a week.

## **50 DAY ENFORCEMENT COMPLIANCE SCHEDULE**

- 4) Within the first 10 days you are instructed to complete a review of all production processes to determine all sources for copper in your wastewaters. This is to be documented and sent to the Bureau for review within the 10 day period;**
- 5) Within the first 10 days you are instructed to make the determination that all copper contaminated wastewaters are receiving the necessary proper treatment before discharge to the Muncie Sanitary sewer. This is to be documented and sent to the Bureau for review within the 10 day period;**
- 6) From day eleven (11) through day twenty (20) you are to determine all additional pretreatment equipment and/or management operational practices necessary to bring your wastewater treatment system back into compliance with your wastewater discharge permit. This is to be documented and sent to the Bureau for review within the 20 day period;**
- 7) From day eleven (11) through day twenty (20) you are to contact your wastewater treatment certified operator to aid in your determination of all additional pretreatment equipment and/or management operational practices necessary to bring your wastewater treatment system back into compliance with your wastewater discharge permit. This is to be documented and sent to the Bureau for review within the 20 day period;**
- 8) From day eleven (11) through day twenty (20) if your determination is that additional pretreatment equipment necessary to bring your wastewater treatment system back into compliance with your wastewater discharge permit you are instructed to contact wastewater treatment equipment suppliers concerning the availability of this equipment;**
- 9) From day eleven (11) through day twenty (20) if based on your determination that no additional pretreatment equipment is necessary, then all management operational practices shall be implemented, all operators trained in these new operational practices, and documentation shall be sent to the Bureau for review. If this is your chosen corrective action, your facility shall be in complete compliance with your wastewater discharge permit at the end of twenty (20) days. Any wastewater discharge permit exceedances after twenty (20) days shall mandate the issuance of additional monetary fines. Your management operational practices and their effectiveness are to be documented and sent to the Bureau for review within the 20 day period;**

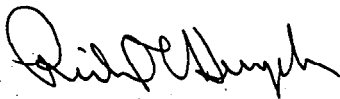
- 10) If additional pretreatment equipment is necessary, from day twenty one (21) through day twenty five (25) all equipment necessary to bring your wastewater treatment system back into compliance with your wastewater discharge permit shall be ordered from the selected companies. This is to be documented and sent to the Bureau for review within the 25 day period;
- 11) From day twenty six (26) through day forty five (45) all wastewater treatment system equipment is to be received and installed onto your wastewater treatment system. This is to be documented and sent to the Bureau for review within the 45 day period;
- 12) On day forty six (46) a new schematics for your wastewater treatment system is to be documented and sent to the Bureau for review;
- 13) From day forty seven (47) through day fifty (50) the system is to be operated and samples obtained to ensure complete compliance with your wastewater discharge permit. This is to be documented and sent to the Bureau for review within the 50 day period;
- 14) At the end of the 50 day Enforcement Compliance Schedule your facility is to be in compliance with your wastewater discharge permit issued by the Bureau. You are instructed to send a Letter of Compliance to our office to this effect. This letter is to be signed by the company's highest official stating to this fact. This is to be sent by certified mail to the Bureau for review 55 days from the initial start up to completion of this Enforcement Compliance Schedule;
- 15) No treatment facility wastewaters shall be discharged unless an operator is on-site and present to monitor such flows. If an operator cannot be on-site and present, the wastewater treatment system shall be shutdown until such time as an operator can be present. This does not apply to any scheduled or unscheduled operator break time of 15 minutes or less, and the 30-minute employee lunch break. No exceptions shall be made for any other circumstances or happenings;
- 16) No more than four (4) sample repulls per month; and no more than two (2) sample repulls per week of facility wastewaters discharged shall be allowed due to wastewater discharge permit exceedances;
- 17) Failure to comply with any of the conditions specified with this enforcement compliance schedule may result in the assessment of additional monetary fines of up to \$1000.00 per day per parameter.

**Your company is also required to continue submitting monthly monitoring reports to the Bureau for review.**

**All items listed and conditions set forth by this Enforcement Compliance Schedule shall continue until the Bureau gives notice of termination of the said condition and/or that the Enforcement Compliance Schedule no longer applies to your facility and your wastewater discharge permit.**

**If you have any other questions concerning this matter, please call our office. Our hours are 8:00 a.m. to 4:00 p.m., Monday through Friday.**

**Sincerely,**

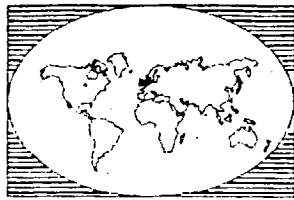


**Richard L. Huyck, Director  
Bureau of Water Quality  
Muncie Sanitary District**

**cc: Board of Sanitary Commissioners, MSD  
Accounting and Billings Department, MSD  
Indiana Department of Environmental Management, Office of  
Water Management, Pretreatment Section  
Quarterly Pretreatment Report  
Files**

**RLH\tjb**

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### ADMINISTRATIVE FINE

#### **Bureau of Water Quality, MSD vs. Mid-City Plating Company, Inc.**

This document represents an Administrative Fine for the violation of Industrial Wastewater Discharge Permit No. 014-005. Permit No. 014-005 is the Mid-City Plating Company, Inc. Industrial Wastewater Discharge Permit to discharge to the Muncie Sanitary District Sewer System issued by the Muncie Sanitary District's Bureau of Water Quality on May 15, 2006.

This Administrative Fine is composed of two (2) \$250.00 fines, for a total of \$500.00. Included in the reasoning for issuing an Administrative Fine at this time, is the fact that Mid-City Plating Company, Inc. is in Chronic Significant Non-Compliance status for both the allowable daily maximum and the allowable monthly average for copper. Each violation being assessed a \$250.00 fine. This Administrative Fine and Enforcement Action is for the rolling six (6) month time period of the Fourth Quarter of 2006 (October, November, and December) and the First Quarter of 2007 (January, February, and March).

The Administrative Fine totaling \$500.00 shall be added to the sewage bill as an addendum that shall also be paid by Mid-City Plating Company, Inc. under a separate check to the Muncie Sanitary District Sewage Utility Office located at 300 North High Street, Muncie, IN.

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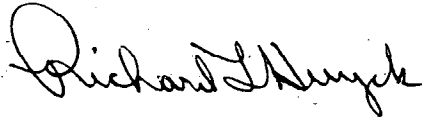


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Future violations of Mid-City Plating Company, Inc. Wastewater Discharge Permit could result in an Administrative Fine not to exceed one-thousand (\$1000.00) dollars per violation per day as set forth in the City of Muncie Industrial Pretreatment Ordinance Chapter 53, Section 10.7.

Disagreement with this document may be appealed using Chapter 53, Section 10.10, Appeals, in the City of Muncie Industrial Pretreatment Ordinance.

Date Signed: Apr. 126, 2007

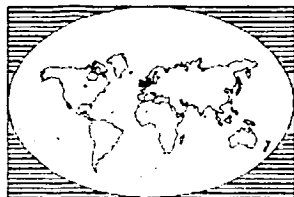


Richard L. Huyck, Director  
Bureau of Water Quality  
Muncie Sanitary District

Cc: MSD Board of Commissioners  
Thomas Bowling, Jr., Pretreatment Coordinator  
Indiana Department of Environmental Management, Office of Water Management,  
Pretreatment Section  
Jonna Reece, MSD Sewage Utility Office

RLH/tjb

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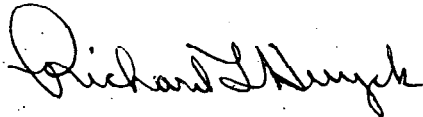
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